

**Presentation of
Randi Youells, LSC Vice President for Programs
Before the
New Mexico Legal Aid Board of Directors and Staff**

January 24, 2003

Good evening and thank you for inviting me to join you tonight. I am honored to be included in this important conference. I am especially pleased to be here with your former board chairs—Judge John Pope, Marcia Geer and Greg Valdez—and, of course, with Sarah Singleton, chair of your state planning and transition committees and long-time chair of the Bar's Legal Services and Programs Committee. I also want to recognize Senator Pete Domenici's unflagging support for legal services, and note with special gratitude his agreement yesterday to co-sponsor an amendment that, if passed, will provide a one-time supplement to the 2003 LSC appropriation, increasing it by \$19 million.

One of the most important benefits of my job as LSC's Vice President for Programs is that I am invited to share in these memorable occasions, when outstanding staff and volunteers are recognized for their valuable contributions to the legal services community and to our clients. This occasion is even more special for me because I get to be on the podium with John Arango, as he embarks on this latest "manifestation" of an illustrious legal services career as your new Executive Director. John and I go way back in time—longer than probably either of us care to admit—and in my view he is the perfect leader for your new organization. His long-term commitment to legal services, his passion for justice, his patience, his courage, and his optimistic view that we will—one day—realize a world-class legal services delivery system in our country all make him a wonderful "match" for your new legal services program. You are lucky to have found him.

Another important benefit of my job is that I am given the opportunity to make speeches about subjects near and dear to my heart. Tonight I am going to talk about four concepts that I believe are critical issues that affect our national legal services community. I will call them the four "Ps"—*partnership; performance measurement; prejudice; and priorities*.

Partnership—Let's start tonight with *partnership* since that is your theme for this wonderful celebration.

As naturalist John Muir once noted: "*When one tugs at a single thing in nature, he finds it attached to the rest of the world.*" This is true of legal services. I personally believe that collaborations and partnerships with other organizations, other human services providers, other legal services entities, and other people

are the key to our survival and prosperity, and the survival and prosperity of our clients. Just as our clients do not live in a vacuum, as their legal problems do not develop apart from social and political issues, just as their communities do not exist on a plane separate from the communities in which higher-income people reside, so too do the resolutions of their legal problems depend on a collective effort by all of us who care about justice for poor people.

Unfortunately, when we review the history of legal services, we learn that partnerships have not always been valued. In the late seventies and eighties, our community was too often isolated from the rest of the human services and legal worlds. During this period, we did terrific work on behalf of our clients and their communities but, unfortunately, we often did it with just a trace of arrogance and a slight whiff of intolerance for other groups, approaches, and points of view. I say this as a person who herself was once a bit intolerant of anyone who was not affiliated with a legal services organization—after all, since we had truth and justice “on our side,” we didn’t need anything or anybody else. But while there is a certain seductiveness in a *lone ranger* approach, I submit that it carries with it the strong possibility that more mistakes are made and fewer benefits accrue to the client community than when poverty lawyers, the private bar, the Judiciary, and the non-profit community work *shoulder-to-shoulder* and *hand-in-hand* for justice.

The profound importance of partnerships became very apparent to many people in our community in the mid-1990s. During that challenging period in our history, many of us started to realize how crucial the support and leadership of private bar members was to the existence of legal services for poor clients. Without the bar’s commitment to save legal services, and the active engagement in its preservation by state and local bar associations, the judiciary and other leaders in the national justice community, we might not be here today to celebrate the birth of your new program and the work of your terrific volunteers.

But while the strength of the support given to legal services by the private bar surprised many in the field, I do not think that it came as news to those of us who have administered legal services programs. As the Executive Director of Legal Services of Iowa for nine years, and then as Interim Executive Director of Camden Legal Services in New Jersey, I learned firsthand that my most valuable and important partner and helpmate in all aspects of program management were my board chairs, Tom Leahy and Gary Boguski. These private lawyers cared as passionately as did I about the health and welfare of LSCI and CRLS. Problems affecting “my” organizations were naturally troubling to me, but they were equally troubling to Tom and Gary. We were in it together—for better or worse—and concerns that I could take to no one else on staff, I placed squarely in the lap of my Board Chairs.

Board Chairs are as much the lifeblood of a legal services organization as Executive Directors, and for that I salute all of the Board Chairs who are present and honored here this evening. Your guidance, your caring, your love for justice and for legal services kept alive the New Mexico legal services programs and legal services programs all across the country. On behalf of LSC and all the programs we fund, I bring a collective and heartfelt thank you for your work and for your belief that our work matters.

Why are partnerships so vital to the health and vibrancy of every legal services program and every state justice community? I think the answer is pretty simple. If we are truly to become client-centered, we must at all times focus our energies on creating and sustaining a justice system that is available to all who need it, and one that is vigorous and appropriately responsive to the needs of every client. As the legal services movement has matured, we have learned that we can't create a healthy and vibrant legal services delivery system by ourselves. Legal services programs do not have the resources, the power, the influence, or the capacity to build world-class systems of justice without the assistance of other persons and other organizations. Similarly, we must admit that it is unlikely that a silver bullet that will end poverty in our lifetime exists, and, if there even is such a remedy, legal services programs don't possess it.

Those of us who have been at this work for many years—John, Sarah and others of you in this room—understand that the only way we can build sustainable communities of justice, and “chip away” at the problems that face so many of our clients, is by combining and utilizing the shared knowledge and experience of the hundreds of people in each state who care deeply about the fate of our least powerful residents. The insights and observations of social workers and teachers can inform the litigation strategy of legal services advocates. The well-honed skills of a volunteer lawyer may gain more for a victim of domestic violence than the efforts of a passionately concerned but less experienced poverty lawyer. The organizational partnership of an AIDS program and a legal services office may not only result in expanded assistance for poor clients, but also may prove to be a bonanza in terms of enhancing our reputation with the philanthropic community.

We pursue partnerships because they contribute to the health and longevity of every legal services program. We pursue partnerships because we understand that, just as it takes a village to raise a child, so does it take a community of justice to bring justice to low-income and disadvantaged persons. But ultimately, we pursue partnerships because our failure to do so would be unfair to our clients.

Performance Measurement—For the entire time that I have been associated with legal services—and probably even longer—the legal services

community has operated under the assumption that, because we are doing "God's" work, everyone understands or should understand the value of what we do. This assumption has prevailed even in the face of tremendous evidence to the contrary.

In November 2000, A National Message for Civil Legal Aid, prepared for the Open Society Institute by Belden Russonello & Stewart, cited the finding that "13% of Americans say they know that a program of government-funded civil legal aid exists and can also offer a name that comes reasonably close to describing civil legal aid." And the opposition we have faced over the years in Congress and in other forums demonstrates that many people do not understand who we are or the value of what we do.

Fortunately, we are now in a position to do something about our reputation. The Russonello study lays out an action plan showing how the legal services community can make itself better known and understood through a broad-based publicity and education campaign. However, in order to effectively communicate our story, we have to be able to describe and define it, and we must define it more broadly than through a "*soundbite*" message featuring a mom and kids on television, tearfully attesting to the wonderful things that their local legal services program did for them. We must be able to define it nationally in terms of outcomes for our clients. For too long, we have tried to describe our work through the numbers of cases we closed. Simply citing closed cases makes what we do look easy and undemanding, especially in comparison with what we know is really going on in a typical legal services program. It reduces the provision of legal services to a simple number. Therefore, we must start to tell our story in terms of the complex and dramatic changes that our efforts have brought to the lives of our clients and their communities.

Acquiring the tools to describe our story in relation to benefits in our clients' lives is not the only reason we need *measurable* performance criteria. A world-class legal services delivery system is only as strong as its weakest component. But how do we begin determine relative strength and relative weakness of our component programs? How do we analyze where and why a program is not functioning optimally? How do we define efficiency and effectiveness? How do we assess and measure quality? How can we really tell if we are having an impact in terms of outcomes for clients? How do we *benchmark* our standards for excellence? These aren't easy questions to answer, but we really need to start coming up with the answers.

It's hard to remember a time when outside pressures—growing client needs, stagnant or declining resources, huge personal debt—did not confront us at every turn. In spite of these sometimes exhausting challenges, those of us who have elected employment in, or another way of committing ourselves to, legal

services work have forged a sacred trust with clients, funders and the community at large. And that sacred trust is as follows—by accepting a legal services paycheck, appointment to a legal services board, or by volunteering to work with a legal services organization, we are pledging to provide quality legal services to low-income people efficiently, effectively and in a manner that ultimately offers clients a way out of poverty. It is not enough just to *make* this pledge—we have to demonstrate that we *fulfilled* the trust. And we do so by putting in place performance measurement tools and strategies that allow us to assess our own efforts, and compare and contrast each provider's efforts with that of other providers in other states.

John Arango told me that at this conference you will be assessing how well you have performed in the past so that you can build on your successes as you move to the next level of excellence in your legal work. I congratulate you on your courage and honesty in accepting John's challenge to take on the arduous task of self-examination and self-evaluation. You are embarking on a difficult undertaking. However, the results will be worth any anxiety you will experience along the way because, ultimately, your self-assessment will benefit your clients, strengthen your work, and help you become a better legal services program.

Prejudice—Many of you are aware that over the past twenty-four months, LSC has heightened its emphasis on diversity. Our efforts in this critical area have illuminated numerous challenges faced by our programs and by state justice communities. In our diversity conversations throughout 2001, we learned that there are women and people of color who often feel marginalized within their programs. Client board members report that they too often feel ignored and/or disenfranchised. They point out that boards, and the programs they guide, lose a valuable asset when there is no room for the experience and wisdom of client board members, except when conversations turn to very narrow client-related topics. Clients themselves feel that LSC-funded program have backed away from addressing issues of prejudice and discrimination that impact upon them.

As a result of these conversations, LSC began to put greater emphasis on the value of diversity, inclusion, and multi-cultural competence. We started to demand that our grantees take a hard look at themselves in terms of how well they are performing in addressing and redressing the problems confronting their diverse, multi-cultural client communities. We asked them to think about how well they function in terms of developing opportunities that allow newer, younger and nontraditional legal services staff to emerge as leaders. We urged them to develop steps that will break down the racial and cultural barriers that stand between legal service lawyers and their clients, and between our clients and economic and social prosperity.

So, among the areas that I urge you to pay close attention to as you plan for your future, is the need to expand your horizon. Ask yourselves if there are ways for your program to develop new leaders who reflect the broad diversity of our client communities, leaders who do not fit traditional molds. Look for ways in which young staff and staff of color can learn to be leaders, and seek to create new arenas in which people can rise to leadership levels. Use your “forward thinking” skills to ensure that your work has long-term sustainability in relation to your client communities. Ensure that your legal and programmatic strategies anticipate emerging client needs and aspirations. Insist that they reflect the glittering mosaic of cultural experiences contained in your client community. Diversify your employment rosters so that clients can find an advocate who understands their particular cultural context. Take the steps necessary to make sure that your state justice community is deep enough and broad enough so that you can tap into all of the resources—intellectual, experiential, and financial—that your clients will need. Finally, as you move forward to combat prejudice and maintain your relevance to your client communities in all of their diversity, I urge you to take risks and push boundaries. As the old proverb notes, “*danger and delight grow on one stalk.*”

Priorities—The final topic I would like to briefly touch upon tonight is priorities. Frankly, I think the concept of “priorities” is one of the most misunderstood in the legal services lexicon. In part, this may be due to the fact that too often legal services programs visualize “priorities” as a compliance and regulatory issue—they see “priorities” as a poorly crafted regulation (45 CFR 1620) mandating compliance and reports. It’s time to start looking at “priorities” through a different lens.

Many years ago Reginald Heber Smith made the following statement in his landmark book Justice and the Poor: “*The reason that the existing organizations have not more completely answered the demand of the poor for legal assistance is that they are grossly under financed.*” Unfortunately, that statement is truer today than it was over 100 years ago. Legal services programs simply do not have the resources to provide legal assistance to every poor person who needs it. And because we can’t help everyone, we have been forced to make tough decisions about who we will represent. Will it be the senior citizen who doesn’t have the money to pay for her critical prescription drugs? Is it the victim of domestic violence who calls us because she lives in terror that her husband will kill her and her children? Are we going to help the family evicted from their substandard apartment, and now camped out in our waiting room trying to avoid homelessness? It would be nice if we could help all those who urgently need it, but the truth is that sometimes we just can’t. Our *priorities* give us a framework for focusing our scarce resources on the key challenges facing our clients and their communities, today and into the future. Priorities aren’t just a regulatory issue—they are our blueprints, our work plans. They allow us to identify current

needs, make rational decisions about which ones we can address, and allow us to emphasize and build on our current programmatic strengths while simultaneously keeping an eye on emerging needs in new areas of the law. They also help us create collaborative partnerships with other equal justice stakeholders whose resources and expertise fill our gaps, and grow a critical mass of providers to respond to key areas of client need.

Let me end today's discussion about priorities by reminding you of one central and pretty sobering truth. We set priorities because we recognize we are going to turn some people away. And in turning them away, we know in our heart-of-hearts that some of them will be placed in jeopardy, and that many will walk away understanding that, for them, there is no justice. So, while we accept the need to craft priorities that allow us to make hard decisions about how we will expend our scarce resources on the greatest number of poor people in the most dire of circumstances, let us not accept a world in which the legal services delivery system remains forever underfunded. Let us commit to taking the steps necessary to ensure that a fully funded world-class delivery system will exist in every state and every territory across this great country.

You in New Mexico are fortunate. Although you face challenges and obstacles as you move forward, you have no better guides and role models than the leaders and visionaries you have assembled here tonight. I look forward to learning about the results of your efforts. And I wish you the best of luck.